



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,268	05/24/2001	Reiner Kraft	ARC920010012US1	9020
26381	7590	07/07/2005	EXAMINER	
LACASSE & ASSOCIATES, LLC 1725 DUKE STREET SUITE 650 ALEXANDRIA, VA 22314			CHOI, PETER H	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,268

Applicant(s)

KRAFT ET AL.

Examiner

Peter Choi

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-27 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 2 recites the limitation "said database" in line 3. There is insufficient antecedent basis for this limitation in the claim. Lines 2-3 of Claim 2 cite "...said external database utilizes a service provider profile database, **said database** containing informational data...". The wording of the claim and use of "said database" in line 3 fails to distinguish which database is being referenced (the external database or the service provider profile database). Thus, "said database" lacks proper antecedent basis. For the purpose of the following art rejection, the examiner has interpreted this wording to be a reference to the service provider profile database.

5. Claim 7 recites the limitation "said database" in line 4. There is insufficient antecedent basis for this limitation in the claim. Lines 3-4 of Claim 2 cite "...said service provider database, said manager allowing service providers to customize and manage profile data in **said database**". The wording of the claim and use of "said database" in line 4 fails to distinguish which database is being referenced (the service provider database or the external database from claim 2). Thus, "said database" lacks proper antecedent basis. For the purpose of the following art rejection, the examiner has interpreted this wording to be a reference to the service provider profile database.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15-26 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural

Art Unit: 3623

phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass must, the recited process must somehow apply, involve, use or advance the technological arts.

Mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process.

In the present case, claims 15-26 only recite an abstract idea. The recited method of identifying unexpected business opportunities and applying a set of data and rules to match said opportunities with a service provider does not apply, involve, or use the technological arts since all of the recited steps can be performed by use of a pencil and paper. The use of databases to store information, rules, and data as claimed are a nominal use of the technological arts and are insufficient.

Software, programming, instructions or code not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in a computer. When such descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases. Claim 27

Art Unit: 3623

does not utilize the proper computer program format and effectively recites descriptive material (software) per se. Claim 27 is therefore deemed to be directed to non-statutory subject matter where there is no indication that the proposed software is recorded on computer-readable medium and/or capable of execution by a computer. Examiner suggests that the applicant reword the preamble of the claim to read "Computer-readable medium storing processor-executable code".

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 15-26 are deemed to be directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-8, 14-22, 24, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (U.S Patent #6,675,151)

Art Unit: 3623

As per claim 1, Thompson et al. teaches a system utilizing an event matching system for service providers based on an unexpected change in a schedule of service or event, said system comprising:

a window of opportunity event generator (**substitute fulfillment system**), said generator identifying said unexpected change in schedule of service or event (**employee absence**) [Column 2, lines 5-7, Column 4, line 64 – Column 5, line 2];

a distribution channel analyzer, said analyzer analyzing an event (**employee registering an absence**), as identified by said window of opportunity event generator system, based on data and rules (**qualifications required for acceptable substitutes**) [Column 2, lines 34-38];

an event matcher, said matcher receiving an analyzed event from said distribution channel analyzer and integrating information (**contact data, notification information**) from a database (**of registered substitutes and potential replacements/substitutes**) to select a service provider for said event [Column 2, lines 34-38, Column 5, lines 9-12]; and

an accounting manager, said manager providing an accounting functionality (**billing information for billing substitute fulfillment services 100**) for the service provider by analyzing events as obtained from said event matcher [Column 9, lines 35-37, Figure 3].

It is old and well known in the art that databases may be accessed internally (as coupled with a computer system) or externally with the same functionality. It would have

Art Unit: 3623

been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include an external database, as it will reduce the number of incorrectly inputted data, and enable companies to avoid the costs associated with maintaining and updating information if using outsourced third party databases.

As per claim 2, Thompson et al. teaches a system that utilizes an event matching system for service providers (**potential replacements/substitutes**) based on an unexpected change in a schedule of service (**absent employees**), as per claim 1, wherein said database utilizes a service provider profile database containing informational data of said service providers (**registered substitutes and potential replacements/substitutes**) [Column 3, lines 51-54].

As per claim 3, Thompson et al. teaches a system that utilized an event matching system for service providers based on an unexpected change in a schedule of service (**employee absence**), as per claim 1, wherein said system further utilized an event database, said database storing data of said events (**database 34 that includes historical system use information**) as related by said event matcher [Column 12, lines 48-49].

As per claim 4, Thompson et al. teaches a system that utilizes an event matching system for service providers based on an unexpected change in a schedule of service

Art Unit: 3623

(employee absence), as per claim 1, wherein said distribution analyzer further utilizes a channel rules database containing rules to be applied **(qualifications required for acceptable substitutes)** to particular data receiving channels [Column 2, lines 34-38].

As per claim 5, Thompson et al. teaches a system that utilizes an event matching system for service providers based on an unexpected change in a schedule of service **(employee absence)**, as per claim 1, wherein said data and rules of said distribution channel analyzer further utilize an institutional or organizational database, said databases containing additional informational data of selected institutions or organization **(prepared lists of candidates, or potential substitutes, substitution criteria, registered substitutes, etc.)** [Column 2, lines 35-38, Column 3, lines 51-54].

As per claim 6, Thompson et al. teaches a system that utilizes an event matching system for service providers based on an unexpected change in a schedule of service, as per claim 1, wherein said system further utilizes a subscription management service **(only authorized parties of interest can access)** wherein said events **(unexpected events, benefits, policies and daily announcements)** and schedules are defined for tracking [Column 5, lines 17-25 and 51-60].

As per claim 7, Thompson et al. fails to teach a system that utilizes an event matching system for service providers based on an unexpected change in a schedule of service, as per claim 2, wherein said system further utilizes a service provider profile

Art Unit: 3623

manager for said service provider database, said manager allowing service providers to customize and manage profile data in said database. However, Official Notice is taken that it is old and well known in the art that users would modify their profile to reflect updated skills, availability, qualifications, and services provided. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include means to allow users to modify their profile in order to provide an accurate representation of their skills and abilities that are needed to evaluate the user's qualifications to provide services.

As per claim 8, Thompson et al. fails to teach a system that utilizes an event matching system for service providers based on an unexpected change in a schedule of service, as per claim 5, wherein said data and rules of said distribution channel analyzer further utilize an institutional or organizational profile manager, said manager allowing institutions or organizations to customize and manage profile data in said database. However, Official Notice is taken that it is old and well known that institutions and organizations would modify their profile to reflect updated skills, qualifications, services provided, needs, or qualifications required. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include means to allow institutions and organizations to modify their profile in order to provide an accurate representation of their skills, abilities, and requirements that are needed to evaluate their qualifications to provide services, or to evaluate services needed.

As per claim 14, Thompson et al. teaches a system that utilizes an event matching system for service providers based on an unexpected change in a schedule of service or event, said system comprising:

a window of opportunity event generator (**substitute fulfillment system**), said generator identifying said unexpected change in schedule of service or event (**employee absence**) [Column 2, lines 5-7, Column 4, line 64 – Column 5, line 2];

a distribution channel analyzer, said analyzer analyzing an event (**employee registering an absence**), as identified by said window of opportunity event generator system, based on data and rules (**qualifications required for acceptable substitutes**) [Column 2, lines 34-38];

a service provider profile database, said database containing informational data (**contact data, notification information**) of said service providers (**registered substitutes and potential replacements/substitutes**) [Column 5, lines 9-12];

an event database, said database used for storing data (**information on employee absences, and historical system use information**) of said events [Column 5, lines 46-50 and Column 12, lines 48-49];

a channel rules database containing rules (**a list of criteria for selecting an appropriate substitute 104, flags for special conditions 122**) to be applied to particular channels [Column 9, lines 37-45];

an event matcher, said matcher receiving an analyzed event from said distribution channel analyzer and integrating information (**contact data, notification**

Art Unit: 3623

information) from a database **(of registered substitutes and potential replacements/substitutes)** to select a service provider for said event [Column 2, lines 34-38, and Column 5, lines 9-12];

It is old and well known in the art that databases may be accessed internally (as coupled with a computer system) or externally with the same functionality, thus making the database taught by Thompson et al. meet the limitations of the claim.

As per claim 15, Thompson et al. teaches an e-commerce method for enhancing sales of service providers **(temporary employment substituting for absent employees)**, said service providers in communication across networks and available to provide one or more specific services through directed sales to selected customers **(organizations requiring temporary, replacement or substitute workers)**, said method comprising:

detecting one or more opportunities for sales **(temporary employment)** based on an unexpected change in schedule of a service **(employee absence)** or an event [Column 2, lines 5-7, Column 4, line 64 – Column 5, line 2];

analyzing said opportunity using a set of data and rules **(a list of criteria for selecting an appropriate substitute 104, flags for special conditions 122)**, said data and rules stored locally **(database)** or remotely in computer storage [Column 9, lines 37-45];

matching said analyzed opportunity (**need for substitute/replacement employee**) with integrated information from a subscriber profile database (**qualifications**) to select one or more of said service providers (**potential substitutes**) [Column 15, lines 26-30];

notifying said selected service provider (**potential substitutes, interested parties, designated groups of people**) of said opportunity for sales [Column 13, lines 19-20 and 39-48 and Column 15, lines 32-35]; and

providing an accounting functionality (**billing information for billing substitute fulfillment services 100**) for said service provider (**potential substitute**) by analyzing events and transactions of actual sales (**potential substitute fulfilling need for worker substitution**) [Column 9, lines 35-37, Figure 3].

As per claim 16, Thompson et al. teaches a method for enhancing sales of service providers, as per claim 15, wherein said integrated information further comprises the use of a service provider profile database (**containing informational data of registered substitutes and potential replacements/substitutes**) [Column 3, lines 51-54].

It is old and well known in the art that databases may be accessed internally (as coupled with a computer system) or externally with the same functionality, thus making the database taught by Thompson et al. meet the limitations of the claim.

As per claim 17, Thompson et al. teaches a method for enhancing sales of service providers, as per claim 15, wherein said method further comprises storing data of said events in an event database (**database 34 that includes historical system use information**) [Column 12, lines 48-49].

As per claim 18, Thompson et al. teaches a method for enhancing sales of service providers, as per claim 15, wherein said method further comprises obtaining rules (**qualifications required for acceptable substitutes, substitution criteria**) from a channel rules database to be applied to particular channels [Column 2, lines 34-38 and Column 3, lines 51-53].

As per claim 19, Thompson et al. teaches a method for enhancing sales of service providers, as per claim 16, wherein said method further comprises obtaining rules (**substitution criteria**) from a database containing data of selected institutions or organizations in which events may take place (**employees notify organization of absences**) [Column 3, lines 51-53].

As per claim 20, Thompson et al. teaches a method for enhancing sales of service providers, as per claim 15, wherein said method further comprises tracking events (**employee absences**) and schedules (**schedule information**) of subscribed service providers (**availability of potential substitutes, substitute schedule**

Art Unit: 3623

information that is stored in data record 403) or consumers (workers who register an absence). [Column 5, lines 32-33, Column 9, lines 40-43, and 50-54]

As per claim 21, Thompson et al. fails to teach a method for enhancing sales of service providers, as per claim 16, wherein said method further comprises managing and customizing profiles of service providers in said service provider profile database. However, Official Notice is taken that it is old and well known in the art that users would modify their profile to reflect updated skills, availability, qualifications, and services provided. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include means to allow users to modify their profile in order to provide an accurate representation of their skills and abilities that are needed to evaluate the user's qualifications to provide services.

As per claim 22, Thompson et al. fails to teach a method for enhancing sales of service providers, as per claim 19, wherein said method further comprises managing and customizing profiles of institutions or organizations in said institutional/organizational profile database. However, Official Notice is taken that it is old and well known that institutions and organizations would modify their profile to reflect updated skills, qualifications, services provided, needs, or qualifications required. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include means to allow institutions and organizations to modify their profile in order to provide an accurate representation of

their skills, abilities, and requirements that are needed to evaluate their qualifications to provide services, or to evaluate services needed.

As per claim 24, Thompson et al. teaches a method for enhancing sales of service providers, as per claim 20, wherein said method further comprises storing a consumer's profile (**worker identification, contact information, qualifications**) in a database [Claim 9 and Column 15, lines 26-29].

As per claim 26, although not taught by Thompson et al., the step of managing and customizing profiles of consumers in said consumer profile database is old and well known in the art. Using consumer profiles would provide the benefit of establishing a collection of data about consumers that contain descriptive information emphasizing specific skills and abilities that may make themselves a more attractive candidate for providing a service. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined teachings of Thompson et al. to include the step of customizing consumer profiles to be stored in databases to enable service providers with a means of distinguishing and marketing themselves from other candidates.

As per claim 27, Thompson et al. teaches an article of manufacture comprising a computer program product, said computer program product comprising a computer

Art Unit: 3623

usable medium having computer readable program code, said computer readable program code embodying a method comprising the steps of:

detecting one or more opportunities for sales (**need for a substitute or replacement worker**) based on an unexpected change in schedule of service or event (**employee absence**) [Column 2, lines 5-7, Column 4, line 64 – Column 5, line 2];

analyzing said opportunity (**need for a substitute or replacement worker**) using a set of data and rules (**qualifications required for acceptable substitutes, a list of criteria for selecting an appropriate substitute 104, flags for special conditions 122**) [Column 2, lines 34-38 and Column 9, lines 37-45];

matching said analyzed opportunity (**need for substitute/replacement employee**) with integrated information from a service provider profile database to select a service provider (**potential substitutes**) [Column 15, lines 26-30];

notifying said selected service provider (**potential substitutes, interested parties, designated groups of people**) of said opportunity for sales [Column 13, lines 19-20 and 39-48 and Column 15, lines 32-35]; and

providing an accounting functionality (**billing information for billing substitute fulfillment services 100**) for said service provider (**potential substitute**) by analyzing events and transactions of actual sales (**potential substitute fulfilling need for worker substitution**) [Column 9, lines 35-37, Figure 3].

9. Claims 9-13, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. in view of Robert English's "Locked in Your Car?"

Art Unit: 3623

You Can Choose Who Helps You In And Out Of Your Jam" (hereafter referred to as English).

As per claim 9, although not taught by Thompson et al., English teaches a system that utilizes an event matching system for service providers (**OnStar**) based on an unexpected change in a schedule of service (**accident, automobile crash**), as per claim 6, wherein said system further utilizes a location tracker (**GPS system and cellular network**), said tracker used to keep track of subscribed consumers (**OnStar members**). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include the location tracker as taught by English to determine the location of the user, enabling an evaluation of nearby service providers most suitable to provide prompt service that meet the needs of the user.

As per claim 10, neither Thompson et al., nor English teaches a system that utilizes an event matching system for service providers based on an unexpected change in a schedule of service, as per claim 9, wherein said location tracker further utilizes a consumer profile database for storing consumers' informational data. However, it is old and well known in the art that service providers keep historical records of vehicle/employee usage, the services provided, the technicians who performed the services, the customers serviced, and the location (or address) where the service was provided. Storing service information (what kind of services were provided, and where)

Art Unit: 3623

in a database would enable data mining analysis to determine if specific areas have higher frequency of services required. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include the step of storing consumer informational data to create a collection of relevant historical data regarding the location where services are supplied, and enable service providers to use data mining methods to develop customized services in specific locations.

As per claim 11, although not taught by Thompson et al., English teaches a system that utilizes an event matching system for service providers (**OnStar**) based on an unexpected change in a schedule of service (**accident, automobile crash**), as per claim 9, wherein said system further utilizes a location generator, wherein said generator is a tracking device (**GPS system and cellular network**). While English does not specifically teach that the tracking device is used to transmit location data continuously to the location tracker, it is old and well known in the art that GPS receivers continuously transmit location data to tracking systems, meeting the limitation of the claim. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include the location tracker as taught by English to determine the location of the user, enabling an evaluation of nearby service providers most suitable to provide prompt service that meet the needs of the user.

Art Unit: 3623

As per claim 12, although not taught by Thompson et al., English teaches a system that utilizes an event matching system for service providers (**OnStar**) based on an unexpected change in a schedule of service (**accident, automobile crash**), as per claim 10, wherein said generator tracking device utilizes: GPS and wireless system. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include the location tracker devices as taught by English to determine the location of the user, enabling an evaluation of nearby service providers most suitable to provide prompt service that meet the needs of the user.

As per claim 13, neither Thompson et al., nor English teaches a system that utilizes an event matching system for service providers based on an unexpected change in a schedule of service, as per claim 11, wherein said location tracker further utilizes a consumer profile manager, wherein said manager allows consumers to customize and manage profile data in said database. However, it is old and well known in the art that linking the location tracker to the customer's profile would enable a service provider brokering system to determine customer usage and preferences (in terms of service providers), and attempt to find a service provider nearby who meets customer preferences and is qualified to provide service. Customizing and managing profile data in a database would enable data mining analysis to determine if specific customer segments have any specific tendencies (with regard to frequency of services, types of services, etc.). It would have been obvious to one of ordinary skill in the art to

Art Unit: 3623

modify the teachings of Thompson et al. to include the step of customizing and managing consumer profile data since it would allow a service provider to employ data mining methods to develop targeted marketing strategies and offers directed towards specific customers, which may lead to increased revenue, and customer satisfaction, loyalty and retention.

As per claim 23, although not taught by Thompson et al., English teaches a method for enhancing sales of service providers, as per claim 20, wherein said method **(OnStar)** further comprises utilizing a device **(GPS system and cellular network)** to keep track of the locations of subscribed consumers. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include the location tracker as taught by English to determine the location of the user, enabling an evaluation of nearby service providers most suitable to provide prompt service that meet the needs of the user.

As per claim 25, although not taught by Thompson et al., English teaches a method for enhancing sales of service providers, as per claim 23, wherein said device utilizes a GPS system and cellular network. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Thompson et al. to include the location tracker devices as taught by English to determine the location of the user, enabling an evaluation of nearby service providers most suitable to provide prompt service that meet the needs of the user.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jeff Green (reference 1-U) discusses OnStar, General Motor's roadside emergency services unit and its advertisements positioning the wireless, in-vehicle information, assistance and emergency alert program.

Jim Thompson (reference 1-W) teaches that the automotive industry is borrowing technology developed for the military, such as emergency roadside assistance complete with a GPS satellite system.

Maureen McDonald (reference 1-X) teaches that Cadillac has been building a 1,200 technician staffed roadside assistance program used to assist customers. These technicians are on call and travel to customers.

Yeoh Oon Chuan (reference 2-U) teaches that Nissan car owners will have access to the Niscare Programme, a motoring assistance program. The program allows owners to call a dedicated 24-hour telephone number and inform the tele-assistant of the nature of their emergency. Niscare offers basic roadside assistance services, such

Art Unit: 3623

as towing and emergency services, as well as referrals for repatriation of vehicle assistance, hotel accommodation assistance, alternative travel assistance, chauffeur assistance, legal assistance, interpreter services, medical referral and emergency medical evacuation assistance, and transmission of information to next-of-kin or employer.

OnStar's website (reference 2-V) teaches a variety of services offered by the roadside assistance program. OnStar is automatically notified of air bag deployment, and in the event of an accident, will attempt to contact customers to inquire as to whether they need assistance. If customers are unable to respond, OnStar will contact emergency help and provide them with the customer's exact location. The OnStar Advisor can suggest hotels and restaurants by accessing a collection of over 5 million service listings (that are regularly updated) containing everything from hotels, restaurants, banks, service stations, auto mechanics and zoos. The OnStar service can also help make arrangements (ticketing, vacations, purchasing items, etc.). OnStar can detect the location of customers and will contact the nearest emergency provider with the exact location of the customer and a request for help. OnStar also provides roadside assistance where advisors can help get customers receive the assistance that they require.

Verba et al. (U.S Patent #6,236,977) teaches a computer implemented marketing system that maintains data on buyers, sellers, agents and brokers. A prediction engine

Art Unit: 3623

processes historical data to predict how best to match buyers to sellers. Buyers and sellers are scored based on desired properties and adhere to a set of stored rules for determining matches.

Thompson et al. (U.S Patent #6,334,133) also teaches a system and method for performing substitute fulfillment. Databases stored worker data records and substitute data records and a list of potential replacements for absent workers. The system contacts potential replacements until one is found or until the list is exhausted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PC

June 22, 2005


TARIO R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600